

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MERIT CAPITAL GROUP, LLC,

Plaintiff,

-against-

TRIO INDUSTRIES MANAGEMENT, LLC,
TRIO INDUSTRIES HOLDINGS, LLC,
EVAN R. DANIELS AND ROBERT E.
GYEMANT,

Defendants.

Civil Action no. 04 CV 7690 (RCC) (RLE)

NOTICE OF MOTION FOR DEFENDANT
DANIELS TO APPEAR AT COURT
CONFERENCE SET FOR
FEBRUARY 9, 2007 VIA AUDIO
TELECONFERENCE

MOTION ALLOWING DEFENDANT DANIELS TO BE HEARD AT COURT
CONFERENCE ON FEBRUARY 9, 2007 VIA AUDIO CONFERENCE

I.
BACKGROUND FACTS

The above litigation is brought on by CEO Gyemant's unwillingness to pay Plaintiff the monies owed to them. Defendant Daniels does not want to cause any undue burden upon the court, but Defendant Daniels is not currently working and does not have the monies to travel to appear in front of the Honorable Judge Ronald L. Ellis. Though this litigation is vexatious at best, Defendant Daniels is being seriously disadvantaged and has tried vigorously to obtain new counsel without success and therefore must relay this information to the court and Defendant Daniels must continue to represent himself as Pro Se in the above matter. Defendant Daniels has had to short sale his home and received no monies from the sale which took place on February 1, 2006. Daniels is currently renting an apartment. Daniels is being forced to litigate in a venue other than Dallas, which is different than Daniels current dwelling city. Daniels is being forced by monetary circumstances to appear in front of this court Pro Se, which again seriously disadvantages Daniels from mounting a proper defense at such a late date.

Defendant Daniels was ordered to ask the court no later than one week before the hearing to ask for the courts permission to appear Via Telephone Conference on a hearing set for February 9, 2007. Defendant Daniels had tried to obtain counsel and until 12:00 PM CST on March 2, 2006, Defendant Daniels was not able to obtain counsel because of defendant's inability to pay for legal representation. Therefore, Defendant Daniels will send this motion certified delivery to the court for the Honorable Judge Richard C. Casey review of this request.

II.
DEFENDANT DANIELS IS ASKING FOR AN AUDIO TELECONFERENCE
ON FEBRUARY 9, 2007 @ 9:30 AM EST:

Respectfully submitted,

Evan R. Daniels
Pro Se

Application granted.
Defendant Daniels
will appear telephonically
for the February 9th
conference. So ordered.

Richard C. Casey
Dec. 18, 2006

USDC SDNY	DOCUMENT	ELECTRONICALLY FILED	DOC #:	DATE FILED: 12-19-06
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Certificate of Service

This is to certify that a true and correct copy of the above and foregoing has been sent to counsel of record, via certified mail on December 12, 2006.



Evan R. Daniels

Parties: Take note of the motion attached herewith and comply.

Copies: Honorable Judge Richard C. Casey (7006-2150-0003-0658-4410)
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Southern District Court of New York
500 Pearl Street
Chambers 1350
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